

Selected issues of protection of luxury goods on the European market by means of trademarks and industrial designs

Abstract

This thesis focuses on the protection of luxury goods by industrial designs and trademarks in the context of European legislation. It focuses on the specific legal problems associated with the protection of such goods, particularly in the area of counterfeiting and imitation, which is a key challenge for brand and design owners. The work analyses harmonised European Union legislation and relevant case law, taking into account the impact of post-modern globalisation and the dynamics of the EU single market. The author focuses on the legal instruments provided by European legislation for the protection of intellectual and industrial property and provides a detailed analysis of the protection afforded by trade marks and industrial designs, including their advantages and limiting factors.

The thesis deals not only with the legislation but also with the interpretation of the case law, analysing in particular the case law of the ECJ on the protection of luxury goods and their brands. In the area of trade marks, the focus is on the problems associated with the use of trade marks in the resale of goods on online marketplaces, issues of confusion and the risk of misuse of trade mark reputation. In the context of industrial designs, the conditions for registration and protection of the appearance of products will be discussed, highlighting the essential role of industrial designs in the protection of luxury goods, particularly in relation to their distinctive design.

The aim of this paper is to identify the main challenges for the legal protection of luxury goods in the European Union and to propose solutions that can help to make the fight against counterfeiting and illegal copying more effective. The thesis shows that the combination of trade mark and design protection is a powerful tool in the fight against illegal copying, that each of these legal instruments offers certain advantages, but that neither of them alone is strong enough to effectively prevent the proliferation of counterfeits on the market. An important conclusion of the thesis is that although the EU legal framework provides comprehensive protection, there are still areas where further harmonisation and improvement of legal instruments is needed, especially in the context of online markets and constantly changing market conditions.

The author concludes that the current legislation, while providing sufficient tools to protect luxury goods against counterfeiting, requires constant attention and adaptation to new

market challenges. A major advantage of the European legal framework is that it is harmonised and allows for the uniform application of legal instruments throughout the Union, ensuring protection against illegal copying while promoting competition and innovation in the market.

Klíčová slova: trademarks, industrial designs, luxury goods